

EAST PALESTINE VILLAGE COUNCIL-MONDAY JANUARY 14, 2013-COMMUNITY CENTER 7PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Cohen, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Mayor Zuch requested a motion to amend the dates in the legislation section of the agenda from 2012 to 2013. Mr. Elzer made said motion, seconded by Mr. Tyger. All in favor, motion carried. The minutes from the December 27, 2012 meeting were approved on a motion by Mr. Cohen, seconded by Mr. Tyger. All in favor, motion approved. Mr. Elzer stated that in reference to the monthly park report that the park brought in \$90,000.00 in 2012 and that \$80,000.00 of that was in the 3 months the pool was open. He stated we need to bring in more money at the park other than in those 3 months, specifically the concession stand. Mr. Figley asked if Mr. Elzer had any suggestions. Mr. Elzer said the sled riding should be encouraged, have the concession stand open during baseball & soccer. Mrs. Wisser stated that Tami & Bob Harris, who assisted in the donation of the new park sign, had mentioned to her about renting the sign out for "Happy Birthdays" or other things. Manager Monteleone stated they did that in Virginia where he was and it was a good source of revenue. Mr. Elzer stated that after the pool is shut down at the end of the season, there is always more good weather and that it is shut down because we don't have lifeguards. Mr. Elzer stated last year there was discussion about what the lifeguards have to pay to get certified and that most of their salary is eaten up by that fee. He would like for the city to pay that fee for at least part of the lifeguards that way we could have lifeguards longer and possibly keep the pool open on weekends. Monteleone stated it was also discussed about having our own trainer for certifications. Mr. Elzer stated this needs to be discussed now instead of waiting until the pool is already open. Monteleone stated we will set up a Park/Rec/Safety/ Cem meeting to discuss these issues. Mr. Elzer made a motion to accept the December 2012 monthly reports, seconded by Mr. Cohen. All in favor, motion carried. There were no agenda items or Clerks report.

MAYOR: Mayor Zuch stated that the meeting tonight was the re-organization meeting. She stated that Mr. Tyger no longer wants to be the Mayor Pro Tem, so a new nomination is needed, the duties include filling in when she is not there and doing the Village Managers evaluation. Mr. Elzer nominated Mr. Cohen for Mayor Pro-Tem, seconded by Mr. Figley. All in favor, Mr. Alan Cohen will serve as Mayor Pro Tem for 2013. Mayor Zuch then asked if anyone had recommendations for changes in the Council Committees. Mr. Cohen stated he felt the committees were working well as is. Mr. Cohen made a motion to leave the Council Committees as is for 2013, seconded by Mr. Tyger. All in favor, motion carried. Mayor Zuch stated that council had received in their packets a memo in reference to re-appointments for boards and commissions. She said this year she did it the way it was done in the past. Some were mayoral appointments; others were by vote of council, or manager appointments. She stated that next year there will be a lot more openings than this year as there were only 5. She suggested that next year, possibly in November, having the newspaper run an article asking for letters of interest for any of the positions opening up. This could bring in some new faces. Mr. Figley stated he thought it was a good idea. Mrs. Wisser asked how the current re-appointments would work and if they were already done. Mayor Zuch stated that Gary Linhart and Don Elzer for the Tree City Commission are both mayoral appointments and both said they would take the positions again. She said she called Brenda Ginder for Board of Zoning Appeals and Becky Boggs for CRA Housing Council, and they both said they would accept re-appointment with the approval of Council. And that the Mayor herself is on the CRA Housing Council and if they wanted to appoint someone else, that was fine. She said that all you do on that committee is go around and check the homes that have applied for tax abatements and make sure the work is actually being done and there were not any this year. John Davis in the audience asked, for example what happens next year if the 3 on the library board would like to stay on, would it be their choice? Mayor Zuch stated that would be up to Council. Mr. Davis said you may hurt certain groups that work together well, and mayor Zuch stated that Council has to decide either way. Mr. Elzer stated he thought it was a good way to bring in new blood. Chief Brett Todd needs two members of Council to be on the Firemen's Dependency Committee, the last members were Mayor Zuch and Scott Rauch. This committee only meets if a fireman is injured on the job. Atty. Beagle and Mr. Tyger volunteered. Mr. Elzer made a motion to nominate Atty. Beagle and Mr. Tyger for the Fireman's Dependency Committee, seconded by Mr. Cohen. All in favor, motion carried. Mr. Cohen made a motion to re-appoint Brenda Ginder for Board of Zoning Appeals, Becky Boggs and Mayor Zuch for CRA, seconded by Mrs. Wisser. All in favor, motion carried.

MANAGER: Manager Monteleone stated he had given council copies of our first newsletter. He stated they will be inserted into the newspaper; it will be put on the website, and distributed to businesses around town.

LAW DIRECTOR: No report. Mayor Zuch brought up the memo about the Charter changes that Atty. Smith had gave them. Atty. Smith said if anyone had questions about it, she would be glad to answer. Mr. Figley said she did a good job with getting them that information. Mr. Elzer asked when the next Charter review was and Smith said 2016 and that if they had any recommendations and council approved them there has to be time to get them on the ballot. Mr. Cohen suggested starting a database of charter changes that were suggested so they weren't lost in between review periods. Mr. Figley asked if they gave up on shortening the period between reviews and Atty. Smith said that itself would be an amendment and would have to go on the ballot. She said with a 2/3 vote of council, they can amend the charter and put it on the ballot at any time, the review itself is just to make sure that it gets reviewed at least every 5 years. Mr. Figley asked if it was hard and fast that only two council members can meet at one time unless it's a meeting and Atty. Smith said yes, that it is basically the sunshine law. Mr. Cohen stated that the law says that 3 council members can't intentionally get together to conduct business. This doesn't mean if he walks into a restaurant and Mr. Figley and Mr. Elzer are there that he can't sit down and talk with them, and as long as it wasn't planned he believed they could talk about business but he could be wrong. He said that Katie Schwendeman from the morning Journal probable has a different opinion. Ms. Schwendemen said in her opinion, how could they prove it wasn't intentional. Mayor Zuch stated that because this is a small town, it happens frequently that 3 or 4 of Council could be in the same place at the same time.

STREET: Mr. Figley stated he didn't have a formal report; however he doesn't want the residents to think they aren't working on the streets. He meets with the Manager and they discuss it. He stated Monteleone is working on a map system of the streets with dimensions and current and past years pricing. The idea is to get a plan in place so they can tell the residents the projected plan for the streets. Mrs. Wisser stated the street crew did a good job during the snow with plowing.

SAFETY/ PARK/REC/CEM: Mr. Cohen stated he and Mr. Elzer had a meeting with the architect for the baby pool. Mr. Elzer said the meeting was to get the permits submitted and hopefully have the baby pool ready for the pool opening in May. He said it's a splash pad rather than a pool. Mayor Zuch asked if the fiberglass animals were ready and Mr. Elzer said yes. Mayor Zuch said it sounds like a simple project but there has been a lot of red tape. Mr. Elzer said what delayed it is that the state changes the regulations every 5 years and the permit couldn't be submitted until they knew the rules and they were late changing them so that delayed the paperwork. Mr. Figley said the pond has gotten a lot of ice skating action this year and it's beautiful.

DEVELOPMENT: Mr. Elzer said that a new business has opened up at The Shops on Main Street building. Delphi Oracle which has tarot card reading, life coaching and massage therapy. He stated the Chamber has been working on the street fair. It's going to be back on Market St. and the tentative dates are the 4 days before Memorial Day. He said the ride company is the one that does the Canfield Fair and IX Center. He stated that on Feb 11 at the Community they are going to put together some politicians and lenders and people who want to do business here; however it is not open to the public.

UTILITY: Mrs. Wisser said there was a meeting prior in reference to the SCADA system. Council agreed that it was a good idea to go ahead with it at this time. Mr. Figley asked for a brief synopsis for those present now that were not present at the last meeting. Monteleone stated that in the Wheathill project, there had been money included to get a monitoring system for that reservoir. They are now looking at a more modern program to monitor the whole water system instead of just Wheathill. MS Consultants has found a system for approximately \$61,000.00 (11,000.00 over the amount budgeted). Mr. Figley said that originally the plan was to get a system to monitor just wheathill for \$50,000.00, now they have found a program to monitor the entire water system for \$61,500.00. With that, there is 20% forgiveness on the loan so it will still only cost around \$50,000.00. Monteleone stated that with the current system, we pay approximately \$

450 per month for the land line and with the new system it comes out to around only \$200 per month, which is over a \$200 per month savings. Jurjavic stated it would be a change order within the project. Atty Smith stated it would need to be a motion to authorize the submission of a change order. Mr. Figley made a motion to authorize the submission of a change order, seconded by Mrs. Wisser. All in favor, motion carried.

FINANCE: Mr. Tyger asked Finance Director Traci Thompson how the ambulance billing was going. Thompson said the money is coming in.

At this time Mayor Zuch gave a brief explanation of tonight's legislation. The first piece allows the Finance Director to set up a separate fund for donations from EP Playground, Inc. Mr. Elzer asked what happens now when a donation is made and Thompson stated it goes into the Park fund. Atty. Smith stated that these specific donations are from an organization called EP Playground Inc that is wrapping up and donate the

money to the Village but the condition of the donation is that it is specifically used for purposes of maintaining the bandstand and playground equipment. The second piece of legislation is for the compensation of two new meter readers. The third is giving us forgiveness for 5 years on paying back monies borrowed from the electric trust fund. Mr. Elzer stated that this is the money from the electric light being sold that we borrowed and are now paying ourselves back. Mr. Elzer then asked why we borrow money from ourselves and pay ourselves back, couldn't we just set up a savings account. Mayor Zuch stated that it was set up this way originally. Mr. Figley stated that the money from the lots at being sold from Leslie Run was to go back into that fund, and that he feels we should be obligated to pay it back. We should be held accountable for it. Finance Director Thompson stated that what was borrowed for the street sweeper is being paid back a little at a time. Mr. Cohen said this is a silly thing to be doing, and asked if there was a way the fund could be dissolved because doing this is like robbing peter to pay paul. Mr. Figley stated that it is not considered debt, but it is considered an asset. Mr. Elzer asked how much is currently in the electric trust, and Thompson said approximately \$32,000.00. Mr. Figley stated it's never shown as debt and Thompson said that's because it was set up in ordinance form from the beginning that it would be paid back. Mr. Figley stated that on an individual basis if you borrow money from a savings account to buy a car, most people would want to put it back because it's a good idea. Monteleone said they have worked hard on the budget and are trying to maintain services and take care of the Village to the best of our ability with what we have and are trying to have a contingency fund and that a large payment to ourselves right now would be detrimental. Mr. Figley asked why we ever said we would pay ourselves back, and Mr. Cohen said that because of the way the fund was set up, it is required by law. Mr. Elzer stated the question isn't whether we pay it back or not, that with this legislation we are saying we can't pay it back. Monteleone asked for Thompson's opinion and Thompson deferred to Atty. Smith. Atty. Smith stated she would have to go back to the original legislation and see it is possible to dissolve the trust. She stated that she can look into dissolving it as this legislation is only a first reading. Mr. Figley asked if a lot got sold at Leslie Run what happens to that money, does it get paid back. Thompson said yes it does, that is additional monies, and tonight's legislation is only for the regular payments. Mr. Cohen stated that the selling of the light plant was a very emotional issue and divided the town. The only way the residents agreed to it is if the \$3.5 million was made untouchable, and it took special legislation to allow money to be borrowed from it. Dianna Elzer stated that with the previous administration her understanding was that with the 3.5 million in the bank, they had trouble getting grants. Mr. Figley said that's not true. Mr. Elzer said there is legislation saying we are not going to pay it back for 5 years, and then in 5 more years we are going to do it again. Mayor Zuch stated they should discuss it more after Atty. Smith looks into and they have some facts. Atty. Smith stated the 4th piece of legislation is simply to amend the employee manual as it relates to the provision of uniform allowance, she stated she laid out the original section of the manual and what it is being amended to. She wanted everyone to be aware that the original section has a portion that talks about the Fire chief and it is in conflict. It states \$550 and then in parentheses it says \$500. It's not a typo, that's how it was in the manual and she felt it should be stated the way it was and then corrected in the amendment to \$500 and \$500. **THERE WERE NO VISITORS**

COMMENTS ON CURRENT LEGISLATION.

VISITORS: Katie Schwendeman, Mary Anne Tyger, John Jurjavcic, Dianna Elzer, Chief Kevin Dickey, Chuck McGuire, Adam Phillips, Dan Scott, John & Bonnie Davis, John & Lisa Hamner, Kim Sansenbaugher, Mark Rhodes, Emery Coon, Tami & Bob Harris, Dave Biggins.

LEGISLATION: Atty. Beagle introduced **Ord. 1-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance authorizing the Municipal Finance Manager to establish a fund pursuant to restrictive donation of funds by EP Playground Inc., and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. All in favor. Atty. Beagle called for a vote on **Ord. 1-2013**. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser-y. 6 yes to pass, motion carried. Atty. Beagle introduced **Ord. 2-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance authorizing the Municipal Manager to fill the previously authorized positions of meter reader, with council further fixing the rate of compensation and hours of work, pursuant to section 3.08 (d) of the Charter of the Municipality of East Palestine, and further declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Cohen. All in favor. Atty. Beagle called for a vote on **Ord. 2-2013**. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser-y. 6 yes to pass. Atty. Beagle introduced **Ord. 3-2013** for a first reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance suspending all payments on loans owed to the electric trust fund for a period of five years and repealing legislation in conflict herewith.** Atty. Beagle introduced **Ord. 4-2013** for a

first reading and made a motion that it be read by title only, seconded Mr. Cohen. All in favor. **An ordinance amending the employee manual as to section 1.25: uniforms.**

At this point, former Mayor and Councilman Mark Rhodes asked to speak. Mr. Rhodes asked if when Officer Johnson takes the K-9 unit to other towns or schools, someone has to pay for that. Chief Kevin Dickey answered saying Officer Johnson does that on his own time. Next Mr. Rhodes asked Council what their 5 year plan was, what are their goals, and what plans are for increasing revenue are. Mayor Zuch stated that is something that is worked on constantly. Mr. Elzer stated there are several facets that they are working on. One is trying to spend less money, and working to increase revenue by bringing in more people and businesses and looking forward to the shale boom. Mr. Rhodes asked how many of the new businesses that have come to the community have stayed. Mr. Elzer said most of them, nationally half of new businesses fail and we are around those numbers. Those numbers can't be changed, it's a historic fact, so we try to replenish the ones that fail and help the ones that are here stay here. Atty Beagle made a motion to adjourn seconded by Mrs. Wisser. All in favor, meeting adjourned.

Mayor Margo Zuch

Misti J. Martin-Clerk